

AMENDED IN ASSEMBLY MAY 9, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 895**

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**Introduced by Assembly Members Halderman and Portantino**

February 17, 2011

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An act to add and repeal Section 17053.90 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

LEGISLATIVE COUNSEL’S DIGEST

AB 895, as amended, Halderman. Personal income tax: *credit*: physicians: ~~qualified~~ emergency medical services.

The Personal Income Tax Law authorizes various credits against the taxes imposed by that law.

This bill would authorize a credit against those taxes for each taxable year beginning on or after January 1, 2012, and before January 1, 2017, in an amount equal to 25% of the value of ~~qualified~~ emergency medical services, as defined, personally provided by a ~~qualified taxpayer~~ physician and surgeon, as specified, during the taxable year.

This bill would take effect immediately as a tax levy.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 17053.90 is added to the Revenue and
- 2 Taxation Code, to read:
- 3 17053.90. (a) For each taxable year beginning on or after
- 4 January 1, 2012, and before January 1, 2017, there shall be allowed
- 5 as a credit against the “net tax,” as defined in Section 17039, an

1 amount equal to 25 percent of the value of ~~qualified emergency~~  
2 medical services personally provided by a ~~qualified taxpayer during~~  
3 *physician and surgeon who is licensed by the Medical Board of*  
4 *California or the Osteopathic Medical Board of California, and*  
5 *who is eligible to receive reimbursement for those emergency*  
6 *medical services under Article 2.5 (commencing with Section*  
7 *1797.98a) of the Health and Safety Code, but has not received*  
8 *reimbursement for those services for the taxable year.*

9 ~~(b) For purposes of this section:~~

10 ~~(1) “Emergency medical services” has the same meaning as~~  
11 ~~“emergency services and care” as that term is defined in~~  
12 ~~subdivision (a) of Section 1317.1 of the Health and Safety Code.~~

13 ~~(2) “Local community clinic” means a community clinic or free~~  
14 ~~clinic as defined in subparagraphs (A) and (B) of paragraph (1) of~~  
15 ~~subdivision (a) of Section 1204 of the Health and Safety Code.~~

16 ~~(3) “Qualified medical services” means medical services~~  
17 ~~provided by a qualified taxpayer free of charge or at a reduced rate~~  
18 ~~at a local community clinic, or emergency medical services~~  
19 ~~provided by a qualified taxpayer free of charge or at a reduced rate~~  
20 ~~in an emergency department of a general acute care hospital~~  
21 ~~licensed pursuant to Section 1250 of the Health and Safety Code.~~

22 ~~(4) “Qualified taxpayer” means a physician or surgeon licensed~~  
23 ~~by the Medical Board of California or the Osteopathic Medical~~  
24 ~~Board of California.~~

25 ~~(e)~~

26 ~~(b)~~ The amount of credit allowed to ~~any qualified taxpayer a~~  
27 *physician and surgeon* by this section shall not exceed five  
28 thousand dollars (\$5,000) per taxable year.

29 ~~(d)~~

30 ~~(c)~~ (1) The value of medical services provided shall be  
31 determined according to the usual, reasonable, and customary rate  
32 as described in Section 1300.71(a)(3)(B) of Title 28 of the  
33 California Code of Regulations.

34 ~~(2) In the case of medical services being provided at a reduced~~  
35 ~~rate, the amount used to calculate the value of the qualified medical~~  
36 ~~services provided shall be the difference between the value of the~~  
37 ~~medical services provided, as determined by paragraph (1), and~~  
38 ~~the reduced rate charged.~~

(2) *The amount of the tax credit shall be based on a reasonable physician fee, as defined in Section 1300.71(a)(3)(B) of Title 28 of the California Code of Regulations.*

(e)

(d) *No other credit or deduction shall be allowed by this part for any amount for which a credit is claimed under this section.*

~~(f) The local community clinic or general acute care hospital, as described in this section, shall provide documentation to the qualified taxpayer regarding the value of services provided, as~~

(e) *The facility in which the services were rendered, as described in subdivision (f) of Section 1797.98e of the Health and Safety Code, shall provide documentation to the physician and surgeon regarding the value of services provided, as prescribed by this section.*

(f) *To receive a tax credit, a physician and surgeon shall submit his or her claim for emergency medical services provided to a patient, who did not make a payment for services and for whom a responsible third party did not make a payment.*

(g) *If the credit allowed by this section exceeds the “net tax” for the taxable year, the excess may be carried over to reduce the “net tax” for the succeeding eight taxable years, or until the credit has been exhausted, whichever occurs first.*

(h) *This section shall remain in effect only until December 1, 2017, and as of that date is repealed. However, any unused credit may continue to be carried forward, as provided in subdivision (g).*

SEC. 2. *This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.*

CORRECTIONS:

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